

FILED BY D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN MEMPHIS

LOUIS BROGDON,

Plaintiff,

vs.

HARRY SIMS and JIM SMITH,

Defendants.

No. 02-2947BV

REPORT AND RECOMMENDATION

By order dated March 8, 2005, U.S. District Judge J. Daniel Breen directed United States Magistrate Judge Diane K. Vescovo to reschedule a settlement conference in this case and further directed that prior to scheduling the next conference, the defendants, Harry Sims and Jim Smith, be reimbursed the expenses each incurred by reason of their unsuccessful trip to Memphis on February 11, 2005, for a settlement conference at which the plaintiff and plaintiff's counsel failed to appear. For the reasons that follow, it is recommended that the case be dismissed with prejudice.

Pursuant to Judge Breen's order, the undersigned magistrate judge, by order dated May 27, 2005, directed that Jim Smith be reimbursed \$264.66 and Harry Sims be reimbursed \$105.20 within thirty days of the date of the order and to certify to the court

This document entered on the docket sheet in compliance
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that the payments were made. The plaintiff was warned that failure to make timely payments would result in the dismissal of this lawsuit.

The plaintiff and plaintiff's counsel have failed to make the payments as directed and have failed to certify to the court that the payments have been made. Accordingly, it is recommended that this case be dismissed with prejudice.



DIANE K. VESCOVO

UNITED STATES MAGISTRATE JUDGE

DATE: October 12, 2005

NOTICE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE OF THE REPORT. FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND FURTHER APPEAL.

ANY PARTY OBJECTING TO THIS REPORT MUST MAKE ARRANGEMENTS FOR A TRANSCRIPT OF THE HEARING TO BE PREPARED.



Notice of Distribution

This notice confirms a copy of the document docketed as number 112 in case 2:02-CV-02947 was distributed by fax, mail, or direct printing on October 13, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT